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8 **UNITED STATES DISTRICT COURT**

9 EASTERN DISTRICT OF CALIFORNIA

10 11 MARIANO MEZA,

12 Petitioner,

13 v.

14 WARDEN,

15 Respondent.

16 Case No. 1:23-cv-01736-EPG-HC

17 FINDINGS AND RECOMMENDATION TO  
18 GRANT RESPONDENT'S MOTION TO  
19 DISMISS AND DISMISS PETITION FOR  
20 WRIT OF HABEAS CORPUS AS MOOT

(ECF No. 11)

21 ORDER DIRECTING CLERK OF COURT  
22 TO ASSIGN DISTRICT JUDGE

23 Petitioner Mariano Meza is a federal prisoner proceeding *pro se* with a petition for writ of  
24 habeas corpus pursuant to 28 U.S.C. § 2241. For the reasons stated herein, the undersigned  
25 recommends granting Respondent's motion to dismiss and dismissing the petition as moot.

26 **I.**

27 **BACKGROUND**

28 In the petition, Petitioner challenges a Federal Bureau of Prisons' ("BOP") policy of  
refusing to allow prisoners with immigration detainers or unresolved immigration status to apply  
First Step Act ("FSA") Time Credits ("FTCs"). (ECF No. 1.) Respondent has filed a motion to  
dismiss the petition, arguing that this Court lacks "statutory authority under § 2241 to compel  
BOP discretionary (sentence end-phase programming) action via declaratory and advisory  
opinions," Petitioner has failed to exhaust administrative remedies, and there is no case and

1 controversy because Petitioner has been determined eligible for award of FTCs. (ECF No. 11 at  
2 2-3.<sup>1</sup>) To date, Petitioner has not filed an opposition or statement of non-opposition to the  
3 motion to dismiss, and the time for doing so has passed.

4 **II.**

5 **DISCUSSION**

6 The jurisdiction of federal courts is limited to “actual, ongoing cases or controversies.”  
7 Lewis v. Continental Bank Corp., 494 U.S. 472, 477 (1990). “This case-or-controversy  
8 requirement subsists through all stages of federal judicial proceedings,” which “means that,  
9 throughout the litigation, the plaintiff ‘must have suffered, or be threatened with, an actual injury  
10 traceable to the defendant and likely to be redressed by a favorable judicial decision.’” Spencer  
11 v. Kemna, 523 U.S. 1, 7 (1998) (quoting Lewis, 494 U.S. at 477).

12 The record before the Court shows that as of May 18, 2024, Petitioner’s FSA status is  
13 “eligible” with 365 days of FSA credits. (App. 5.<sup>2</sup>) Given that Petitioner has received the remedy  
14 he requested in his petition, the undersigned finds that no case or controversy exists and  
15 dismissal is warranted on this ground.<sup>3</sup>

16 **III.**

17 **RECOMMENDATION & ORDER**

18 Accordingly, the undersigned HEREBY RECOMMENDS that Respondent’s motion to  
19 dismiss (ECF No. 11) be GRANTED and the petition for writ of habeas corpus be DISMISSED  
20 as moot.

21 Further, the Clerk of Court is DIRECTED to randomly ASSIGN a District Court Judge to  
22 the present matter.

23 This Findings and Recommendation is submitted to the assigned United States District  
24 Court Judge, pursuant to the provisions of 28 U.S.C. § 636 (b)(1)(B) and Rule 304 of the Local  
25 Rules of Practice for the United States District Court, Eastern District of California. Within

26 <sup>1</sup> Page numbers refer to the ECF page numbers stamped at the top of the page.

27 <sup>2</sup> “App.” refers to the Appendix filed by Respondent on June 30, 2023. (ECF No. 8-1.) Appendix page numbers refer  
to the page numbers stamped at the bottom.

28 <sup>3</sup> As the Court finds that the petition should be dismissed for lack of case or controversy, the Court will not address  
Respondent’s other grounds for dismissal set forth in the motion to dismiss.

1 **THIRTY (30) days** after service of the Findings and Recommendation, any party may file  
2 written objections with the court and serve a copy on all parties. Such a document should be  
3 captioned "Objections to Magistrate Judge's Findings and Recommendation." Replies to the  
4 objections shall be served and filed within fourteen (14) days after service of the objections. The  
5 assigned United States District Court Judge will then review the Magistrate Judge's ruling  
6 pursuant to 28 U.S.C. § 636(b)(1)(C). The parties are advised that failure to file objections within  
7 the specified time may waive the right to appeal the District Court's order. Wilkerson v.  
8 Wheeler, 772 F.3d 834, 839 (9th Cir. 2014) (citing Baxter v. Sullivan, 923 F.2d 1391, 1394 (9th  
9 Cir. 1991)).

10 IT IS SO ORDERED.  
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12 Dated: August 14, 2024

13 /s/ *Eric P. Gross*  
14 UNITED STATES MAGISTRATE JUDGE  
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